



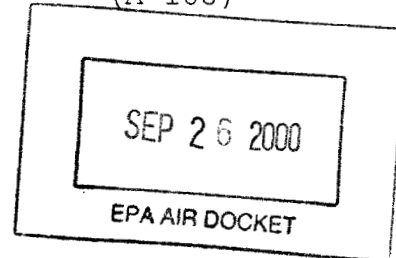
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

A99-29  
TB-153

AUG 29 2000

Chairman Robert Guendhardt  
Little River Band of Ottawa  
P.O. Box 314  
Manistee, Michigan 49660

REPLY TO THE ATTENTION OF:  
(A-18J)



Dear Mr. Guendhardt:

I am writing to inform you of your opportunity to recommend 8-hour ozone air quality standard attainment/unclassifiable or nonattainment designations for your tribal lands by September 30, 2000.

The United States Environmental Protection Agency (EPA) promulgated a new 8-hour ozone health based National Ambient Air Quality Standard (NAAQS) in July 1997. Upon promulgation of a new standard, section 107(d)(1) of the Clean Air Act (CAA) requires EPA to designate areas as either attainment/unclassifiable or nonattainment for the new standard. It is worth noting that the United States Court of Appeals for the District of Columbia Circuit issued a ruling on May 14, 1999, that raised questions about our ability to enforce the 8-hour ozone NAAQS. However, the decision specifically noted EPA's obligation to designate areas for the revised standard regardless.

On March 28, 2000, EPA issued guidance to States and Tribes on developing recommendations for designations of attainment/unclassifiable or nonattainment under the 8-hour ozone NAAQS (enclosed). As the guidance memorandum indicates, Tribes have the opportunity to submit to EPA designation recommendations for their lands. Because this is a new opportunity for many Tribes, on July 17, 2000, EPA issued additional guidance to Tribes which offers further details on making designation recommendations for their "Indian country" (enclosed).


Once submitted, EPA will review the recommendations made by Tribes (and States). The EPA's response to the Tribes' 8-hour ozone designations will begin a 120-day consultation period. During this time, EPA will work with each Tribe on any differences in opinion regarding designations and boundaries for 8-hour ozone nonattainment areas. The EPA will finalize designations no sooner than the end of this 120-day period.

It should be noted that Tribes are not required to recommend designations. In cases where a Tribe elects not to submit a recommendation, EPA, in consultation with the Tribe, will promulgate the designation it deems appropriate on their behalf.

The EPA's preliminary analysis of the ambient air data representative of the lands which may be within your jurisdiction in Mason County is that the data suggest a nonattainment designation for the 8-hour ozone NAAQS. This preliminary analysis is based on data collected at a monitoring site in Mason County. For the years 1997-1999, this representative site has measured ozone concentrations that exceed the 8-hour ozone standard. Areas designated as nonattainment may be subject to conformity and more stringent New Source Review provisions. See page 8, question number 6 of the July 18, 2000, Guidance on 8-Hour Ozone Designations for Indian Tribes for an overview of the implications of a nonattainment designation. Data representative of other Tribal lands which may be within your jurisdiction appear to support an attainment/unclassifiable designation for the 8-hour ozone NAAQS for the years 1997-1999, because ambient air monitors have measured ozone concentrations that do not exceed the 8-hour ozone standard. These data and other relevant information are available on the Internet at [www.epa.gov/ttn/rto/areas](http://www.epa.gov/ttn/rto/areas).

We recognize that the time line for making recommendations is relatively short. The EPA's Region 5 office is committed to providing assistance to Tribes interested in making a designation recommendation. If you have any questions, please contact me or have your staff contact Benjamin Giwojna, air Tribal contact, at (312) 886-0247 or Jacqueline Nwia, ozone data contact, at (312) 886-6081.

Sincerely,

  
for Bharat Mathur, Director  
Air and Radiation Division

Enclosures

cc: Tom Guenthardt  
Little River Band of Ottawa

Dennis Drake  
Michigan Department of Environmental Quality